

Procedural Guide

0200-510.00

POST ADOPTION SERVICES: SERVICES AVAILABLE TO FAMILIES WITH A FINALIZED ADOPTION

Date Issued: 12/06/12

☒ New Policy Release

☐ Revision of Existing Procedural Guide 0200-510.00, Post Adoption Services: Services Available to Families with a Finalized Adoption, dated 11/13/08.

Revision Made: **NOTE:** Current Revisions are Highlighted.

This Procedural Guide is being updated to reflect changes made due to AB 12 being signed into law. This bill allows California to implement provisions of Public Law 110-351, the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. One of the provisions of AB 12, to be phased in over three years, allows California to extend AAP benefits beyond the age of 18 for eligible youth when the youth entered these arrangements at age 16 or older.

Cancels: None

DEPARTMENTAL VALUES

The Department's vision is to ensure that children grow up safe, physically and emotionally healthy, educated, and in permanent homes. This policy supports the Department's efforts to provide safety and placement stability for children in out-of-home care.

WHAT CASES ARE AFFECTED

This Procedural Guide is applicable to finalized adoptions.

OPERATIONAL IMPACT

Increasingly over the past 25 years child welfare policy has promoted the placement of children in the foster care system with permanent adoptive families. In particular, the Adoption Assistance and Child Welfare Act of 1980 (AACWA) aimed to prevent children from languishing in foster care and to facilitate adoptions for children who could not be reunified with their biological families. The Adoption and Safe Families Act of 1997

(ASFA) went one step further, mandating that states ensure permanency for the nation's foster children and providing financial incentives for states to increase the number of adoptions from foster care

For the purpose of this policy, the term dissolution is used to describe an adoption that ends after it is legally finalized, resulting in the child's return to (or entry into) foster care or placement with new adoptive parents.

The frequency and accuracy of adoption dissolution rates is hard to evaluate. It appears that adoption dissolutions occur somewhere between 1% - 10% with the rate being at the higher end in adoptions that have involved special needs children and children from a state's foster care system. Three factors contributing to these higher rates are the emotional and physical demands that these children place on the family, the lack of information about where and how to find needed services, and the cost of services.

One of the saddest and most controversial occurrences in the world of adoption is when adoptive parents feel compelled to dissolve an adoption. Views surrounding dissolution are widely divided. The sad fact is that some adoptions do reach the point where parents consider dissolution, and the lack of guidance, procedures, support, and compassion can throw families already stressed to the breaking point into chaos, not knowing where to turn or what steps to take.

Dissolution must always be the last resort. Everything else that can be safely tried should be tried first. The child's safety, well-being, and best interests must be paramount. There are two questions that should be asked. Is any member of the family in physical or psychological danger if the adoption continues? Has everything possible been tried to keep the family intact? These are not simple questions to answer, as there are many ways to safely parent a child with mental or behavioral problems if a family is willing to work with the Department to find solutions. In some cases, residential treatment allows the adoption to continue while keeping everyone safe. Safety of the child is the primary consideration.

Procedures

A. WHEN: POST ADOPTION SERVICES RECEIVES A CALL FROM AN ADOPTIVE PARENT REQUESTING SERVICES

PAS CSW Responsibilities

1. Elicit the purpose of the telephone call from the adoptive parent by allowing him/her to explain why they contacted the Department and asking pertinent follow-up questions. Continue gathering relevant information from the adoptive parent until you are able to assess the safety of the child.
 - a) If child abuse or neglect is suspected, immediately, call the Child Protection Hotline at (800) 540-4000 and make a referral regarding the suspected child

abuse and/or neglect. See Procedural Guide, 0050-503.45, Allegations Received from a Source Other than the Child Protection Hotline.

- b) Elicit all information that is necessary to complete a child abuse referral.
 - i) Within 36 hours of making the report, complete a SS 8572 and mail/fax the completed SS 8572 to:

Child Protection Hotline
3075 Wilshire Blvd., 5th Floor
Los Angeles, CA 90010

NOTE: CSWs may submit their Suspected Child Abuse Reports on-line in lieu of mailing in a written report via the **DCFS Mandated Reporter Link**, <http://mandreptla.org> located on the DCFS Internet site (right side). See FYI 05-27, Mandated Reporter's Web-Site.

- 2. Provide appropriate resources to the adoptive parent, depending on the situation.

The following is a guideline, rather than an exhaustive list, of all services to which families can be referred, to aid in the resolution of their problems.

- a) Adoption Promotion and Support Services (APSS) – Family must reside in Los Angeles County or be willing to travel to Los Angeles County for services.
- b) Family preservation services
- c) Referral to Training, Intervention, Education and Services (TIES), if family completed the TIES training prior to placement; contact the TIES representative at (213) 471-0362 to obtain additional services.
- d) If the child was adopted after their 16th birthday, contact Youth Development Services (YES formerly ILP) Coordinator to access appropriate services.
- e) Counseling
- f) Voluntary Family Maintenance (VFM) – family must participate in a Team Decision Making (TDM) conference
- g) Placement in a Residential Treatment Center (RTC)/Group Home
 - i) Provide the adoptive parent with a list of RTC facilities, if necessary.

- ii) Explain to the adoptive parent that they will need to contact the RTC and complete all necessary intake requirements (e.g., interviews).
- iii) Inform the adoptive parent that in order to have Adoption Assistance Payments (AAP) paid to the RTC the adoptive parent must sign an affidavit stating that AAP funding can go to the facility and the RTC must meet certain requirements.
- iv) Inform the adoptive parent that AAP can only be paid to a RTC for an 18-month cumulative period.
- v) Inform the adoptive parent that AAP shall only be made to the RTC as part of a plan for return of the child to the family. The family should actively participate in the plan.
- vi) Inform the adoptive parent that AAP only pays room and board for out-of-state RTC's.

NOTE: AAP cannot be used to pay for educational expenses for children placed out-of-state.

The following documentation is necessary in order to place a child in a residential treatment center using AAP funding for payment:

- A letter from the treating physician stating the child needs to be placed in a RTC.
- RTC must be licensed by the state, non-profit, IRS tax-exempt.
- A letter from the RTC stating that it accepts the child into the facility and the date the child will be admitted to the facility.
- A copy of the RTC's state license.
- A letter from the RTC stating that the facility is entitled to receive Title IV-E funding.
- Information from the RTC ensuring the child's rights.
- A letter from the RTC stating that it is not a locked facility.
- A copy of the RTC's program cost broken down monthly.
- AAP approval, if family is requesting that AAP be paid directly to the RTC.

- Write AAP request.
- Complete the AAP2.
- Submit the AAP 2 and appropriate documentation to the SCSW for approval.

NOTE: RTC placement can be approved up to a level 14 without a DMH evaluation. Any placement in an RTC higher than level 14, the child must have a DMH evaluation. Inform the parent that they must request an Individualized Education Plan (I.E.P.) from the child's school. If a DMH evaluation is needed on an emergency basis, contact the DCFS Liaison located in the Office of the Medical Director.

3. If the initial AAP agreement is signed when the child/youth is 16 years old or older, inform the adoptive parent(s) that AAP benefits may be extended beyond age 18 if one of the below AB12 criteria is met. Also, inform the adoptive parent(s) that receipt of AAP payment/benefits beyond 18 years of age is contingent upon the adopting parents requesting the benefit extension prior to the child/youth's 18th birthday by calling the Foster Care Hotline or Post Adoption Services and providing documentation to the Department supporting that the youth meets one of the five participation criteria.

The following lists the criteria:

- a) The individual is attending/completing high school or an equivalency program.
- b) The individual is enrolled in an institution which provides postsecondary or vocational education.
- c) The individual is participating in a program or activity designed to promote, or remove barriers to employment.
- d) The individual is employed for at least 80 hours per month.
- e) The individual is incapable of doing any of the activities described in (a) through (d), due to a documented physical or mental condition.
 - Inform adoptive parent(s) that they are responsible for reporting to the Department if the non-minor former dependent is not satisfying at least one of the participation criteria.

NOTE: It is very important that AAP cases are not terminated solely due to the youth attaining age 19. Once the AAP benefits are terminated, benefits may not be resumed. Due to federal requirements, youth receiving AAP benefits who have turned 19 prior to July 1, 2012, and whose benefit payments have stopped shall not be eligible to have payments resumed. As required in WIC section 10103.5(c), CDSS, in consultation with CWDA, is currently working on a process by which youth may resume benefits and more information will be released when it is available.

4. Document all contacts in the case folder.

PAS SCSW Responsibilities

1. Review the AAP 2 and supporting documentation.
 - a) If not approved, return the documents to the CSW for corrective action.
 - b) If approved, sign the AAP 2 and forward to the ARA for approval.

PAS ARA Responsibilities

1. Review the AAP 2 and supporting documentation.
 - a) If not approved, return the documents to the SCSW for corrective action.
 - b) If approved, sign the AAP 2 and forward to Revenue Enhancement for processing.

NOTE: AAP payments for the adoptive parents must be stopped immediately when the RTC placement is initiated and paid by AAP funds. There must be no overlapping of AAP payments for the adoptive parent and RTC.

B. WHEN: AN ADOPTIVE PARENT CALLS ASKING TO HAVE THEIR ADOPTIVE CHILD REMOVED FROM THEIR CARE

PAS CSW Responsibilities

1. Complete steps 1 – 2 in Section A
 - a) If the adoptive parent refuses services:

- i) Inform the adoptive parent that the Department may take a designated relinquishment. See Procedural Guide 0200-508.14, Accepting the Statement of Understanding and Relinquishment Documents.
- ii) Inform the adoptive parent that they may contact the law firm that finalized the adoption, or contact a lawyer of their choice, or contact the Adoption Liaison located at Edelman's Children's Court regarding setting aside the order of adoption. See Family Code 9100 at the end of Procedural Guide for criteria for submitting a petition to the court to request a set-aside.
- iii) Inform the adoptive parent that a petition for abandonment would have to be filed against them in order for the child to be made a ward of the court.

2. Document all contacts in the case folder.

APPROVAL LEVELS

Section	Level	Approval
A.	SCSW/ARA	AAP 2
B.	SCSW/ARA	AAP 2

OVERVIEW OF STATUTES/REGULATIONS

California Family Code 9100, states If a child adopted pursuant to the law of this state shows evidence of a developmental disability or mental illness as a result of conditions existing before the adoption to an extent that the child cannot be relinquished to an adoption agency on the grounds that the child is considered un-adoptable, and of which conditions the adoptive parents or parent had no knowledge or notice before the entry of the order of adoption, a petition setting forth those facts may be filed by the adoptive parents or parent with the court that granted the adoption petition. If these facts are proved to the satisfaction of the court, it may make an order setting aside the order of adoption. The petition shall be filed within five years after the entry of the order of adoption. The court clerk shall immediately notify the department at Sacramento of the petition. Within 60 days after the notice, the department shall file a full report with the court and shall appear before the court for the purpose of representing the adopted child.

California Family Code 9101, states that if an order of adoption is set aside as provided in Section 9100, the court making the order shall direct the district attorney, the county counsel, or the county welfare department to take appropriate action under the Welfare and Institutions Code. The court may also make any order relative to the care, custody, or confinement of the child pending the proceeding the court sees fit. The county in which the proceeding for adoption was had is liable for the child's support until the child is able to support himself or herself.

California Family Code 9102, states **in pertinent part, that except as provided in Section 9100**, an action or proceeding of any kind to vacate, set aside, or otherwise

nullify an order of adoption on any ground, except fraud, shall be commenced within one year after entry of the order. **Except as provided by Section 9100**, an action or proceeding of any kind to vacate, set aside, or nullify an order of adoption, based on fraud, shall be commenced within three years after entry of the order, **or within 90 days of discovery of the fraud, whichever is earlier.**

Welfare and Institutions Code Section 16121 summarizes eligibility rate for the Adoption Assistance Program for a child deemed eligible for regional center services. Also addresses the need for a state-approved group home or residential care treatment facility for a child receiving Adoption Assistance Program benefits.

LINKS

California Code	http://www.leginfo.ca.gov/calaw.html
Division 31 Regulations	http://www.cdss.ca.gov/ord/PG309.htm
Title 22 Regulations	http://www.dss.cahwnet.gov/ord/PG295.htm

RELATED POLICIES

FYI 05-27, Mandated Reporter's Web-Site

[Procedural Guide, 0050-503.45](#), Allegations Received from a Source Other than the Child Protection Hotline.

[Procedural Guide 0200-508.14](#), Accepting the Statement of Understanding and Relinquishment Documents

FORM(S) REQUIRED/LOCATION

HARD COPY	AAP 2 , Payment Instructions Adoption Assistance Program
LA Kids:	None
CWS/CMS:	None
SDM:	None